IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUIT NO. 2774 OF 1984

Indian Overseas Bank .....**Plffs.**
vs.
M/s. Esquire Video Film
Services P.Ltd and Ors. .....**Defnds.**

P.V. Shah for the plaintiffs.
Ms. Meenakshi Iyer i/b. Doijode and Associates
for defendant no.9.

CORAM: S.U. KAMDAR, J.

DATE : 12th January,2006.

P.C. :.

1. There is already a decree passed and executed against defendant no.1 and 2. Learned counsel for the plaintiff states that he has received suit decreetal amount from defendant no.1 and 2. In view of the receipt of the full amount from defendant no.1 and 2 the suit against defendant

no.3 and 4 does not survive any further. Suit disposed off accordingly as against defendant no.3 and 4.

2. Learned counsel has brought to my notice two review petitions being Review Petition No. 14 of 1998 and Review Petition no. 26 of 1999. The Review Petition no. 26 of 1999 seeks that the money which has been received by the plaintiff in execution of decree being redeposited, the said review petition has been dismissed by an order dated 26.12.2005. In that view of the matter the aforesaid order is passed. However it is clarified that in an event if the order is set aside and plaintiff is directed to redeposit the money already received from defendant no.1 and 2 then plaintiff will be entitled to reapply to this court for decree against defendant no.3 and 4.

3. In so far as Review Petition no. 14 of 1998 is concerned which is seeking review of an order passed by the learned single Judge A.P. Shah (as he then was) being order dated 8.10.97. In view of

the fact that the learned judge is now appointed as Chief Justice of the Madras High Court a necessary directions ought to be obtained for placing the matter before the appropriate court. The Office of Prothonotary and Senior Master is directed to obtain the necessary directions from the Chief Justice for the same. In that light of the matter, suit disposed off accordingly. No order as to costs.

sd/-

(S.U.KAMDAR, J)